

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department- Mahabubabad District - Revision Petition filed by Sri P.Nageswara Rao, L.R & S/o. Late Sri Paladugu Ramchandra Rao, (NT) Sathyanarayanapuram, Kothapeta (V), Bayyaram (M), Mahabubabad District u/s 6 of Telangana (Scheduled Areas) Land Transfer Regulation 1 of 1959 and its amendment 1 of 1970 – Against the orders passed by the Additional Agent to Government, Bhadrachalam in CMA.No.34/2021, dated 14.03.2022 and the Agency Divisional Officer, Kothagudem in LTR case No.210/91, dated 08.06.1993 – Revision Petition Dismissed - Orders – Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.30

Dated:14.07.2023,  
Read the following:-

- 1) Revision Petition along with stay petition of Sri P.Nageswara Rao, L.R & S/o. Late Sri Paladugu Ramchandra Rao, (NT) R/o. H.No. 9-26, Sathyanarayanapuram, Kothapeta (V), Bayyaram (M), Mahabubabad District, dated 18.04.2022
- 2) Orders of the Hon'ble High Court for the State of Telangana, at Hyderabad in WP No. 21769/2022, dated 27.4.2022.
- 3) Govt.Memo.No.653/TW.LTR/2022, dated 23.05.2022.
- 4) From the Agency Divisional Officer cum Revenue Divisional Officer, Kothagudem, letter Rc.No.B/1480/2022, dated 16.06.2022.
- 5) Govt.Memo.No.653/TW.LTR/2022, dated 10.8.2022.
- 6) From the Addl.Agent to Govt., Bhadrachalam, letter Rc.No.A3/1634/2022 dated 05.11.2022.
- 7) Representation cum Notice of Advocate, Sri Rama Murthy P.V.S.A, R/o. Undavelli, Tadepalli Mandal, Guntur District, dated 20.02.2023.
- 8) Govt.Memo.No.653/TW.LTR/2022, dated 14.3.2023.
- 9) Show cause Notice of the Hon'ble High Court for the State of Telangana, at Hyderabad in Contempt Case No. 795/2023, dated 27.3.2023.
- 10) From the Revenue Divisional Officer, Mahabubabad, letter Rc.No.A1/342/2023, dated 15.03.2023.
- 11) Govt.Notice.No.653/TW.LTR/2022, dated 12.05.2023 and 12.06.2023.

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ORDER:-

In the reference 1<sup>st</sup> read above, Sri P.Nageswara Rao, L.R & S/o. Late Sri Paladugu Ramchandra Rao, (NT), Sathyanarayanapuram, Kothapeta (V), Bayyaram (M), Mahabubabad District has filed Revision Petition along with stay petition before the Government U/s 6 of Telangana (Scheduled Areas) Land Transfer Regulation 1 of 1959 and its amendment 1 of 1970 against the orders of the Additional Agent to Government, Bhadrachalam in CMA.No.34/2021, dated 14.03.2022 and the Agency Divisional Officer, Kothagudem in LTR case No.210/91, dated 08.06.1993 in respect of the land to an extent of Acs.1.00 gts in Sy.No.33/E/1, situated at Gandhampally (V), Bayyaram (M), Mahabubabad District, prayed to call for records of official respondents and to quash and to suspend the operation of the orders of the official respondents with the following grounds.

- i) The Impugned Orders are contrary to law and probabilities of the case.
- ii) Both the lower authorities failed to appreciate the contention that LTR case not maintainable under law keeping in view of the judgment rendered by full bench of the Hon'ble High Court decision reported AP FB-1 laying down the proposition of law that the authorities constituted under Telangana Schedule Area Land Transfer Regulation 1/59 and it is amended 1/70 have non-jurisdiction to entertain any transfers of immovable property made prior to 03-02-1970. In the instant case all through the contention of the revision petitioner was that he purchased 1 Acre of land in Survey Nos. 32 and 33 from the original Pattedar Sri. Ram Kumar on 14-06-1968. His name was continued in revenue records as an

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enjoyer. Though at any point of time the land extent of 1 Acre in Survey Nos. 32 and 33 were purchased from the unofficial respondent the false LTR case was registered. Therefore the impugned orders are illegal without power, authority or jurisdiction.

- iii) The lower court failed to appreciate that even as per the orders of CMA No. 34/2021, dated 14-03-2022 the alleged 1 Acre of land shown on the name of Sri. Guguloth Lachiram S/o. Valya in the new Pattedar Passbook. The said person was totally different one nothing to do with the unofficial respondent. The said person not filed any complaint. In the absence filing a complaint by proper person, the question of passing order are illegal and arbitrary.
- iv) Though, he has categorically stated before both the lower authorities that he has purchased the land from one Mr. Ram Kumar who is the Pattedar of the land situated in Survey Nos.32, 33 and though he purchased 1 Acre from the said Pattedar the same was not taken into account and though he was in occupation of only the lands situated in Survey Nos. 32 and 33 to an extent of 1 Acre more land situated in Survey Nos. 32, 33 described within the boundaries, passing impugned orders under revision treating the lands purchased by the revision petitioner belongs to the unofficial respondent is totally without any evidence, base and without conducting any Survey. In the absence of the same the orders passed are illegal.
- v) The orders of primary authority are non speaking and there was no finding in respect of lands purchased by petitioner in Survey Nos. 32 and 33 are part and parcel of the lands in respect of Survey No. 33/E/1 situated at Gandhampally Village of Bayyaram Mandal. In the absence evidence, the findings given are illegal.
- vi) First time the appellate authority verified the Pahani extracts from 1954-1955 and found that the unofficial respondent is Pattedar and enjoyer of the land to an extent of Ac.04-19 gts in Survey No. 33/2/E. The said extent of land is totally different than the land purchased by him in the year 1968. Unless the survey was conducted for the total extent of Ac. 04-19 Gts. Identifying lands, the question of passing any orders against the revision petitioner treating the land in Survey Nos. 32 and 33 belongs to Mr. G.Sunder is to be treated without any evidence and contrary to the orders of 1st Appellate authority. Even of the orders of the appellate authority to an extent of 1 Acre of land, a new Pattedar Passbook was issued in favour of Mr. G.Lachiram S/o. Valya which is nothing to do with official respondent thereby both the orders under revision are illegal and contrary to the law.

2. The Revision Petitioner i.e Sri P.Nageswara Rao, has also filed a Writ Petition No.21769/2022 before the High Court for the State of Telangana, and it was disposed on 27.4.2022 directing that the Respondent No.3 (Govt.) to dispose of the main revision stated to have been filed by the petitioner, strictly in accordance with law, as expeditiously as possible, preferably, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time the orders are passed, status quo shall be maintained by both the parties in respect of the subject land.

3. In the reference 3<sup>rd</sup> read above, Government have admitted the Revision Petition and the request for stay was rejected as there are no sufficient grounds, however while forwarding the copies of the revision petition and Hon'ble High Court order in WP.No.21769/2022, the Addl.Agent to Govt., Bhadrachalam, and the Agency Divisional Officer, Kothagudem, were requested to furnish the parawise remarks and connected original case records and to take necessary action on the orders of the Hon'ble Court.

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4. In the reference 4<sup>th</sup> read above, the Agency Divisional Officer (RDO), Kothagudem informed that the file LTR case No.210/91 is being dealt with Revenue Divisional Office, Mahabubabad as the Bayyaram mandal was allotted to Mahabubabad Revenue Division of Mahabubabad District during reorganization of districts in 2016. Accordingly, the Revenue Divisional Office, Mahabubabad was requested to furnish the parawise remarks and connected original case records in LTR Case No.210/91, vide reference 5<sup>th</sup> read above.

5. In the reference 6<sup>th</sup> read above, the Addl.Agent to Govt., Bhadrachalam, has furnished the parawise remarks and connected record in CMA No.34/2021.

6. In the reference 7<sup>th</sup> read above, Advocate submitted representation cum notice on behalf of Sri Guguloth Lachiram S/o. Valya, R/o Santhulala Podu Thanda, Gandhampally Revenue Village, Bayyaram Mandal and stated that Revisional Authority not disposing of Revision Petition in file bearing C.No.653/ TW.LTR/2022, filed by Sri P.Nageswara Rao, L.R & S/o.Late Sri Paladugu Ramchandra Rao, within (8) weeks as directed by the Hon'ble High Court in WP.No.21769/2022, dated 27.04.2022. Accordingly, in the reference 8<sup>th</sup> read above the Addl.Divisional Officer/RDO, Mahabubabad was requested to furnish the original record pertaining to LTR case No.210/91 through Special Messenger to dispose of the Revision Petition expeditiously as directed by the Hon'ble High Court in WP.No.21769/2022, dtd.27.4.2022. Further, the Tahsildar, Bayyaram (M) was requested to submit the served copy of Govt. Memo dated 23.05.2022 to Sri Guguloth Sunder (Respondent) through Special Messenger, and copy marked to the Advocate of G.Lachiram.

7. Sri Guguloth Lachiram, S/o.Valya, Grandson of late Gugulth Sunder, unofficial respondent in the present Revision Petition has filed Contempt Case No.795 of 2023 in WP No.21769 of 2022 before the Hon'ble High Court for not disposing of the Revision Petition within Eight (8) weeks as per the orders of the Hon'ble HC in the said WP on 27.4.2022. The Hon'ble High Court have issued show cause notice in the reference 9<sup>th</sup> read above, and directed to appear in person or through Advocate duly instructed on 05.06.2023.

8. In the reference 10<sup>th</sup> read above, the Revenue Divisional Officer, Mahabubabad has furnished the original case record in LTR case No.210/91.

9. In the reference 11<sup>th</sup> read above, Government have issued the notices to the concerned parties to attend the hearing on 24.6.2023. Sri Guguloth Lachiram, S/o. Valya, Grandson of late Gugulth Sunder, unofficial respondent in the present Revision Petition, the Counsel for revision petitioner, and the Tahsildar, Bayyaram were present.

10. As per the remarks/record, the orders of the Agency Divisional Officer, Kothagudem in LTR case No.210/1991, is as follows.

- The case has been initiated on the report of the Tahsildar, Bayyaram Mandal dated 20.07.1991.
- The Agency Divisional Officer, Kothagudem after due enquiry and hearing the case, passed ejectment orders against the respondent Paladugu Ramachandrarao by recording the name of the petitioner in the pahani. The suit schedule land is an extent of Ac.1.00 in Sy.No.33/E/1 situated at Gandhampalli Village of Bayyaram Mandal erstwhile Khammam District presently in Mahabubabad District.
- Sri Guguloth Sundar is the petitioner and Paladugu Ramachandrarao is the respondent in the said LTR case.

11. Aggrieved with the above said LTR orders passed by the Agency Divisional Officer, Kothagudem, Sri Paladugu Ramachandrarao S/o Kotaiah (NT) filed an appeal before the Additional Agent to Govt. Bhadrachalam and the same has been taken on file, taken-up enquiry and hearing of the case in CMA No.34/2021 and dismiss the appeal on 14.03.2022 on the following grounds;

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- Sri Paladugu Ramachandrarao has purchased the land to an extent of Ac.1.00 in Sy.Nos.32 & 33 from the original pattadar on 14.06.1968 by name Sri Ramkumar through sada sale deed and cultivating the land till today. The appellants never appeared before the Addl.Agent to Govt. Bhadrachalam and not submitted any required recorded evidence to prove his claim made under appeal that he is in possession over the schedule land before the regulation i.e from the date of alleged sale in the year 1968.
- The petitioner was neither pattadar nor possessor of the schedule land.
- Along with appeal before the AAG, Bhadrachalam, the appellant filed the documents to prove his claim made under appeal viz.
  - i. Copy of the lower court order
  - ii. Copy of the Adhaar of appellant (petitioner herein)
  - iii. Xerox copy of sada sale deed dt.14.06.1968 executed by Sri Ramkumar S/o Santulal in favour of Paladugu Ramachandrarao S/o Kotaiah for the land in Sy.Nos.32 & 33 an extent of Ac.1.00 situated at Gandhampally Village, Bayyaram Mandal of Mahaboobabad District. (Erstwhile Khammam District)
- The appellant not filed any recorded evidence to show the original pattadar of the land under sale so as to confirm the vender Sri Ramkumar is not having alienable rights over the land purchased. The pattadar of the schedule land is Sri Guguloth Sundar S/o Mangya. Hence, the sale transaction between Sri Paladugu Ramachandrarao and the vender Sri Ramkumar S/o Santhulal (as per the sale deed dt.14.06.1968 filed by the appellant is not a valid sale.
- The appellant is also not proved his possession over the land claimed before the regulation as claimed under appeal.
- The appellant (revision petitioner herein) stated before the lower court (1<sup>st</sup> respondent herein) stating he is not in possession of the schedule land and he is not in any way concerned to it.
- From the pahani extract for the year 1954-55, Guguloth Sundar S/o Mangya is the pattadar as well as enjoyer for the land and extent of Ac.4.19 gts in Sy.No.33/౩ situated at Gandhampally Village of Bayyaram Mandal. Sri Ramkumar who sold the case schedule land.
- Guguloth Valya S/o Sundar was given 1-B namoona under RoR Act for the land Ac.1.39gts in Sy.No.33/౩.
- New pattadar pass book and 1-B namoona (ROR) was given to Guguloth Lachiram S/o Valya for the extent Ac.1.00 in Sy.No.33/౩/1.
- As per Me-Seva adangal / pahani extract dt.01.07.2013 for the Fasli-1422 (2012-13) Guguloth Lachiram S/o Valya is the pattadar as well as enjoyer for the land Ac.1.00 in Sy.No.33/౩/1/1 situated at Gandhampalli Village of Bayyaram Mandal.
- Considering the recorded evidence filed before the Addl.Agent to Govt. Bhadrachalam passed orders dismissing the appeal filed by the appellant confirming the lower court order with a directions to the Tahsildar, Bayyaram to restore the suit schedule property to the Tribal pattadar evicting the persons who ever is in possession under cover of panchanama.

12. Upon perusal of the record and grounds urged by the Revision Petitioner Sri Paladugu Nageswara Rao, it is found that the Revision Petitioner failed to prove his case before the Appellate Authority as to how the original pattadar Ramkumar S/o.Santulal came into possession of the land to an extent of acs 1.00 in Sy.Nos.32 & 33 situated in Gandhampalli (V) of Bayyaram Mandal in the present Mahabuababd District, prior to 1970. He has also failed to prove his possession

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before advent of the Regulation basing on the sale deed dated 14.6.1968. The Appellate Court i.e. Additional Agent to Government & Project Officer, ITDA, Bhadrachalam and rightly dealt the case in detail and passed orders.

13. Government, after careful examination of the matter and do not find any reason to interfere with the orders passed by the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.34/2021, dated 14.03.2022 and accordingly the Revision Petition filed by Sri Paladugu Nageswara Rao in respect of land admeasuring acs.1.00 in Sy.No.33/E/1 situated in Gandhampally (V) of Bayyaram Mandal, Mahabubabad District, is hereby DISMISSED.

14. The Addl. Agent to Government & Project Officer, ITDA, Bhadrachalam Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Addl. Agent to Government & PO, ITDA, Bhadrachalam,  
Bhadradi Kothagudem District. (BY RPAD)

The Revenue Divisional Officer, Mahabubabad District (BY RPAD)

Sri Paladugu Nageswara Rao, L.R & S/o. Late Sri Paladugu Ramchandra Rao,  
R/o. H.No. 9-26, Sathyanarayanapuram, Kothapeta (V), Bayyaram (M),  
Mahabubabad District (BY RPAD)

(Through the Tahsildar, Bayyaram Mandal)

G.Lachiram Legal heir of Guguloth Sundar (Late) R/o. Gandhampally (V), Bayyaram  
(M), Mahabubabad District. (By RPAD)

(Through the Tahsildar, Bayyaram Mandal)

Copy to:-

The Government Pleader for (SW), HC of TS, Hyderabad

M/S. P.V.Ramana, B.Sravan Kumar, P.Laxmi Priya, Advocate,  
H.No.6-3-656, Flat No.1, Banjara Sangeet Apts., Kapadia Lane,  
Samajiguda, Hyderabad – 500 082. (BY RPAD)

Sri Rama Murty P.V.S.A, Advocate,

H.No.4-426, Flat No.402, 4<sup>th</sup> Floor, KSR Enclave, Library Centre,  
Costal Bank Lane, Undavalli Village & Post, Tadepalli Mandal,  
Guntur District. (BY RPAD)

The Agency Divisional Officer, Bhadradi Kothagudem District

The Tahsildar, Bayyaram Mandal, Mahabubabad District (By RPAD).

(With a direction to serve the copy to concerned parties).

The PS to M(STW)

The PA to Secretary(TW)

The PA to Spl. Secretary(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.